

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8156 of 1996

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No
2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy of the judgement? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge?  
No

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BAUDINBHAI H CHAUHAN

Versus

STATE OF GUJARAT

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Appearance:

MR MINESH C DAVE for Petitioner

MR TH SOMPURA, ASSTT. GOVERNMENT PLEADER for Respondents.

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 10/12/96

ORAL JUDGEMENT

Rule, returnable today. Learned Asstt. Govt. Pleader Mr. Sompura waives service of rule for respondents.

2. Under order dated 29-12-1983 the petitioner has been allotted a piece of land for industrial purpose on the terms and conditions mentioned in the order of

allotment. It appears that since 1983 the petitioner has not used the said piece of land for the purpose for which it was allotted nor has he raised construction on the said land.

3. In the circumstances, a notice was issued to the petitioner to show cause why the allotment of land made in his favour should not be cancelled. The said notice could not be served upon the petitioner since he was not available at the given address. In the circumstances, the Collector considering breach of the conditions committed by the petitioner cancelled the allotment made in his favour. Order made by the Collector has been confirmed by the Government in Appeal.

4. Feeling aggrieved the petitioner has preferred this petition. Mr. Dave appears for the petitioner and states that the petitioner is residing at the address given in the Cause Title of the petition and that in the interest of justice the petitioner should be afforded opportunity of hearing. Mr. Sompura, Ld. Asstt. Govt. Pleader opposes this proposition made by Mr. Dave and contends that the petitioner has not used the land for more than 13 years and he should not be granted any indulgence.

5. Considering the facts of the case, the impugned orders made by the Collector and Government at annexure 'C' and 'D' to the petition, are quashed and set aside. The respondents would be at liberty to initiate action against the petitioner after giving him notice at the address given in the Cause Title of this petition. The petitioner shall bear the costs of this petition. Cost is quantified at Rs.7,500/-.

6. Petition is allowed to the aforesaid extent. Rule is made absolute accordingly. It is directed that the petitioner shall not use the land in question for any purpose till the proceedings that may be initiated against him are decided, provided the Collector issues notice within a period of six weeks from the date of receipt of copy of this order. D.S. is permitted.